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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/196,963	11/20/1998	TARA C. SINGHAL		9755

7590 05/04/2004
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EXAMINER

ST CYR, DANIEL

ART UNIT PAPER NUMBER

2876

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .		Applicant(s)	
	09/196,963		SINGHAL, TARA C.	
	Examiner		Art Unit	
	Daniel St.Cyr		2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In view of the notice of appeal filed on 01/26/04, PROSECUTION IS HEREBY REOPENED. The new Office action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Objections

2. Claims 47, 49, 53, 54, 60, 61, 65, and 71 are objected to because of the following informalities:

Claim 47, line 2, "the entity registering itself" should be changed to --registering the entity--.

Claims 49, 60, and 71, lines 3, 2, and 2 respectively, "this sale" should be changed to --a present sale--.

Claim 53, lines 3 and 4, "those" should be deleted and line 7, "entity" should be --entities--.

Claim 54, line 5, "entity" should be --entities--.

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Claim 61, line 5, "presenting" should be changed to --receiving by--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 72 and 73 are rejected under 35 U.S.C. 102(b) as being anticipated by Pekka, Wo 93/14476.

Pekka discloses a method for making and collecting donation comprising: means for giving charity cards 12 to donors, the charity cards having identification information for both the users and the charities (in order for the card to include the user, a registration must be made); a cash register 16 for collecting donation; a central computer 22 linking the cash register; the collected donation may be electronically transferred or generating a check to the charity; and the donation contribution is printed on the sale receipt. (see pages 6-9, and 15, last paragraph).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 45-71 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pekka in view of Derwent application AU 676819. The teachings of Pekka have been discussed above.

Pekka fails to disclose or fairly suggest that the merchant donates a percentage of the sale to the charity.

The application discloses a commerce method for inducing participating purchasers to purchase from a participating merchants involves causing participating merchants to provide discount (a percentage), enabling participating merchants to facilitate passage of the purchasers' funds, equivalent to the discount to charity. For instance, a purchaser purchases for \$2,000, receives a rebate of \$100 (5 percent) (see the application and the figure).

In view of the application's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to employ such teachings in conjunction with the teachings of Pekka for collecting donation contribution. Such modification would induce purchasers to patronage the participating merchants, which would increase sale output, therefore, increase donation contribution. With regard to some of the method steps, such registering, statement identifying the merchant and its contribution, printing the card, mailing the card, etc., since the structural limitations are as recited, the method steps are obtained. Therefore, it would have been an obvious extension as taught by Pekka.

Response to Arguments

7. Applicant's arguments with respect to claims 45-74 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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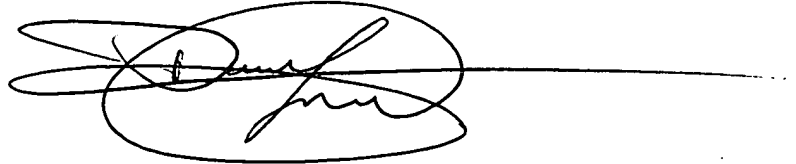
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burke, US Patent No. 6,112,191, discloses a method and system to create and distribute excess fund from consumer spending transactions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel St.Cyr
Primary Examiner
Art Unit 2876

A handwritten signature in dark ink, appearing to read 'Daniel St.Cyr', is written over a horizontal line. The signature is enclosed within a large, loopy oval shape.

DS
April 26, 2004